

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

2006 JUL 28 P 2:30

TERRY DANIEL,

Plaintiff,

V.

CITY OF LANETT, ALABAMA,

Defendant.

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Civil Action No.: 3:05cv1110-F


DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

COMES NOW the Defendant, the City of Lanett, by and through its attorney of record, and respectfully request the Court to grant summary judgment in its favor. As reasons therefore, the Defendant would rely upon the attached Brief in Support of Motion for Summary Judgment and the affidavits and documents attached thereto.

Further, the Defendant would state that the Plaintiff failed to prove a prime facie case of retaliation. Further, the Defendant has a legitimate non-retaliatory reason for the employment decision made.

Therefore, there are genuine issues of material facts and the Defendant's Motion for Summary Judgment is due to be granted. Therefore, the Defendant would respectfully request the Court to grant its Motion for Summary Judgment pursuant to Fed. R. Civ. P., Rule 56.

Respectfully submitted,



T. RANDALL LYONS (LYO006)
Attorney for Above-named Defendant


OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing mail on all counsel of record as listed below by placing a copy thereof, in the United States mail, postage prepaid, on this the 28th day of July, 2006.

Heather Newsom Leonard
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OF COUNSEL